

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC,**

*Plaintiff,*

**V.**

**TEXAS INSTRUMENTS, INC.,**

***Defendant.***

**Consolidated Civil Action No. 6:12-  
CV-499-MHS**

## JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO DEFENDANT  
SAFRAN USA, INC.’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Defendant Safran USA, Inc. (“Safran” or “Defendant”) (Dkt. No. 1478) as follows. All allegations not expressly admitted or responded to by Blue Spike, LLC are denied.

## COUNTERCLAIMS

90. Paragraph 90 contains no allegations that require an admission or denial. Blue Spike, LLC denies any allegations set forth in Paragraphs 1-89.
91. Blue Spike, LLC admits the allegations of Paragraph 91.
92. Paragraph 92 contains no allegations that require an admission or denial.
93. Blue Spike, LLC without knowledge or information sufficient to form a belief as to the allegations of paragraph 93 and therefore denies.
94. Blue Spike, LLC admits the allegations of Paragraph 94.
95. Blue Spike, LLC admits the allegations of Paragraph 95.
96. Paragraph 96 contains no allegations that require an admission or denial.

**FIRST COUNTERCLAIM**  
**(Invalidity)**

97. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90-96.

98. Blue Spike, LLC denies the allegations of Paragraph 98.

99. Blue Spike, LLC denies the allegations of Paragraph 99.

**COUNT TWO**  
**(Non-Infringement)**

100. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90-96.

101. Blue Spike, LLC denies the allegations of Paragraph 101.

**PRAYER FOR RELIEF**

Blue Spike, LLC denies that Defendant is entitled to any of the relief it requests.

**REQUEST FOR RELIEF**  
**PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's First Amended Complaint, Blue Spike, LLC respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike, LLC its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Blue Spike, LLC as the Court may deem just and proper.

Respectfully Submitted,

/s/ Randall T. Garteiser

Randall T. Garteiser

Texas Bar No. 24038912

rgarteiser@ghiplaw.com

Christopher A. Honea

Texas Bar No. 24059967

chonea@ghiplaw.com

Christopher S. Johns

Texas Bar No. 24044849

cjohns@ghiplaw.com

Kirk J. Anderson

California Bar No. 289043

Peter S. Brasher

California Bar No. 283992

**GARTEISER HONEA, P.C.**

218 N. College Ave.

Tyler, Texas 75702

Telephone: (903) 705-7420

Facsimile: (888) 908-4400

***Counsel for Blue Spike, LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser